

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

HAROLD G. LEE)	
Plaintiff)	
)	
v.)	Case No.
)	
UNITED STATES OF AMERICA)	
Defendant)	

SERVE:

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Hilda L. Solis, U.S. Secretary of Labor
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

Julia C. Dudley, U.S. Attorney
BB&T Building
310 First Street, SW, Room 906
Roanoke, VA 24011

COMPLAINT

Plaintiff, Harold G. Lee, complaining of Defendant alleges the following:

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, and this Court has jurisdiction under the provisions of 28 U.S.C. § 1346(b).

2. Plaintiff is a citizen and resident of Wise County, Virginia and the cause of action on which this action is based arose in that county. Thus, venue is properly laid in this Court.

3. On or about October 30, 2007 at approximately 2:45 p.m. the plaintiff was driving a 2000 Chevrolet Blazer and was traveling on U.S. Route 58 in Wise, Virginia. The plaintiff stopped on U.S. Route 58 and was waiting to make a left hand turn when he was rear ended by a 2003 Jeep Liberty driven by Virgil Scott Robbins ("Robbins").

4. Upon information and belief, Robbins was traveling at approximately 55 miles per hour when he changed lanes and rear ended the plaintiff. The force of the collision caused the plaintiff's vehicle to roll over and then slide more than 100 feet until it struck a 4x4 and stopped.

5. At the time of the accident Defendant Robbins was an employee of the United States Government and was acting within the course and scope of that employment at the time of the collision described herein.

6. Defendant Robbins was negligent in that he:

(a) failed to keep a proper lookout;

- (b) failed to keep his vehicle under proper control;
- (c) failed to yield the right-of-way;
- (d) otherwise failed to act prudently under the circumstances, all of which negligence and carelessness constituted the proximate cause of the collision.

7. In addition to other various severe and permanent injuries, plaintiff received serious injuries to his neck requiring surgery consisting of an anterior cervical decompression and fusion at C4 through C7.

8. As a proximate result of these injuries, plaintiff has endured and will continue to endure great pain and suffering and mental anguish with permanent injuries and permanent restrictions.

9. Plaintiff has expended and will continue to expend large sums for medical expenses and to date his medical bills exceed \$131,179.06.

10. On November 26, 2007, the plaintiff filed a Claim for Damage, Injury or Death (Form 95) with the U.S. Department of Labor. See Exhibit A attached hereto. As the scope of the plaintiff's injuries increased, the claim was amended to \$250,000.00 and submitted to the U.S. Department of Labor on December 31, 2007. See Exhibit B attached hereto. A second amendment to the claim in the amount of \$1,000,000.00 was submitted to the U.S. Department of Labor on October 22, 2008. See Exhibit C attached hereto.

11. At least six months after submission of the claims has elapsed and the claim has been neither accepted nor rejected. The plaintiff has thus exhausted his administrative remedies. Pursuant to 28 U.S.C. § 2675(a) plaintiff has elected to consider such failure to act as a final denial of his claim.

WHEREFORE, plaintiff Harold G. Lee demands judgment against defendant United States of America as follows:

- (a) the sum of SEVEN HUNDRED FIFTY THOUSAND (\$750,000.00) DOLLARS for plaintiff for past and future medical expenses and pain and suffering;
- (b) the costs in this action; and
- (c) such other relief as the Court may deem proper.

Plaintiff demands a trial by jury.

HAROLD G. LEE
- by counsel -

/s/Daniel R. Bieger, Esq. VSB #18456
COPELAND & BIEGER, P.C.
P.O. Box 1296
Abingdon, VA 24212
(276) 628-9525
(276) 628-5901 - Fax
Counsel for Plaintiff